THE HONOURABLE Mr. JUSTICE D.S.R. VARMA

WRIT PETITION No.819 OF 2006

DATE: 17-01-2006

Between:

Vennapusa Musalaiah, S/o. Konda Reddy,
aged 60 years, R/o. Chennipadu village,
Ponnaluru Mandal, Prakasam District
& 5 others

.. Petitioner

AND

Kalidasu Jagannadham S/o. Sankaraiah,
R/o. Thupmadu village, Jarugumalli Mandal,
Prakasam District & 7others

.. Respondents

ORDER:

This writ petition is filed questioning the order in D.Dis. No.3037/2005(D2) dated 15-11-2005 passed by the
8th respondent confirming the orders of the 6th respondent issued in proceedings D.Dis. No.389/2001 dated 22-7-2005 directing the 7th respondent

to dispose of the claim of respondents 1 to 5 and issue pattadar passbooks and title deeds in their favour after due enquiry under law by deleting the names of the petitioners herein from enjoyers column of the ROR Form-1 in respect of the land admeasuring
Acs.26-05 cents and Acs.6-86 cents in Survey Nos. 168 and 169 respectively, as illegal, arbitrary and violative of principles of natural justice.

The case of the petitioners is that the land in question was purchased by their ancestors under oral sale agreements and they have inherited the same from their ancestors and have been in peaceful possession and enjoyment of the same as absolute owners without any interruption by anybody and the same is evident from the village accounts, revenue records including No.10(1) Adangal, ROR register and pattadar passbooks issued by the 7th respondent in the year 1965 itself.

It is further stated in the affidavit filed in support of the petition that respondents 1 to 5 herein by taking advantage of mentioning of their names in some of the revenue records as pattadars of the land in question have filed a petition before the 7th respondent for grant of pattadar passbooks and title deeds, upon which the 7th respondent has submitted a report stating that the petitioners herein are in physical possession of the land in question but the same is standing in the name of respondents 1 to 5. The 6th respondent without conducting a proper enquiry and without considering the report submitted by the 7th respondent, passed order dated
22-07-2005 holding that the petitioners herein are only trespassers into the land in question and the respondents 1 to 5 herein are original pattadars, hence pattadar passbooks have to be issued in their favour. Aggrieved by the same the petitioners herein have preferred a revision petition before the 8th respondent, who by his order dated 15-11-2005 confirmed the order of the 6th respondent erroneously. Hence, the writ petition.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue and perused the material on record.

Learned counsel for the petitioners submits that the orders of respondents 6 and 8 holding that the petitioners herein are trespassers into the land in question is incorrect and false since the petitioners and their ancestors have been in continuous physical possession and enjoyment of the same without any interruption and even they have perfected their title by adverse possession. He further submits that a comprehensive civil suit has been filed by the petitioners for injunction over the land in question.

It is a settled principle of law that the entries made in the revenue records are not conclusive. When a civil suit is filed, the outcome of the suit alone should prevail over the entries made in the revenue records.

In view of the fact that a suit had already been filed,
as submitted by the learned counsel for the petitioners, *Status quo* as on today be maintained in respect of the land in question for all purposes for a period of four weeks.

With the above observations, the Writ Petition is disposed of. No costs.

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17-01-2006

NOTE:

Furnish C.C. of the order by 19-01-2006.

(**B/O**)

PV